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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/776,187	02/12/2004	Toshio Masuda	F0937-US	3078
21254	7590	06/17/2005	EXAMINER	
MCGINN & GIBB, PLLC 8321 OLD COURTHOUSE ROAD SUITE 200 VIENNA, VA 22182-3817			ADAMS, GREGORY W	
			ART UNIT	PAPER NUMBER
			3652	

DATE MAILED: 06/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/776,187

Applicant(s)

MASUDA ET AL.

Examiner

Gregory W. Adams

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>2/12/04 & 8/16/04</u> . | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "locking portion" and "locking mechanism" must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

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The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. With respect to line 11, it is unclear what is meant by "one end side", or where this is. See also line 19, "both end sides", and line 3 on page 79, "drive link side".

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-2 & 5 are rejected under 35 U.S.C. 102(b) as being anticipated by Pawl (US 4,969,793).

With respect to claim 1, Pawl discloses a luggage storage structure 10 for a vehicle comprising a storage concave portion, a transfer mechanism 130, a pair of rail frames 24, 28 fixed on a floor panel, a pair of drive links 64, 64 and a pair of driven links 58, 58, sliders 62, 92-96, and a driving mechanism 88.

With respect to claim 2, Pawl discloses a storage concave portion is a spare tire storage portion.

With respect to claim 5, Pawl discloses a plate member frame 34, a plate connected to each drive 64, 64 and driven links 58, 58, and a driving member 66.

Claim Rejections - 35 USC § 103

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6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Pawl (US 4,969,793) in view of Smillie, III et al. (US 5,054,578). Pawl does not teach a contacting portion and surface along with a rotary connecting portion. Smillie et al. teach a contacting portion 44 on a rail frame side and a contacting surface 83, and a rotary connecting portion 84, an initial transfer zone, and a normal transfer zone to provide a lift for vehicle trunks made of small, space saving components yet overcomes the greatest load which is associated with initially starting movement, or overcoming inertia. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the apparatus of Pawl to include a contacting portion which rides on an angled contacting surface, as per the teachings of Smillie, III et al., to overcome the greatest load which is associated with initially starting movement, or overcoming inertia.

8. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Pawl (US 4,969,793) in view of Colburn (US 3,752,331). Pawl does not disclose two motors. Colburn teaches two motors 40 for raising a plate "so that the output thereof will be simultaneously utilized to drive both screws thereby raising the platform an equal amount on opposite sides thereof." Col. 4, Ins. 35-65. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to

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modify the apparatus of Pawl to include two motors, as per the teachings of Colburn, to provide uniform plate lifting.

9. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Pawl (US 4,969,793) in view of Carlsson et al. (US 2002/0070574). Pawl discloses a plate member frame 34 but does not disclose a lock portion or mechanism. Carlsson et al. disclose a lock portion and a locking mechanism 23 ensures that a plate 7 is locked when in the lowered, closed position, securing goods placed within a storage concave portion. Col. 1, Ins. 5-35; col. 3, Ins. 1-15. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the apparatus of Pawl to include a locking portion and mechanism, as per the teachings of Carlsson et al., locking a lowered plate, securing goods placed within a storage concave portion.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US 4,134,504 to Salas et al.

US 4,221,280 to Richards

US 6,398,479 to Dupuy et al.

US 6,098,961 to Gionet

US 6,045,317 to Boucher et al.

US 4,958,979 to Svensson

US 6,257,372 to Schirmer

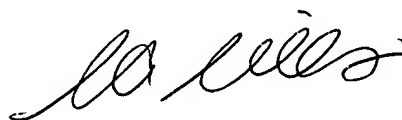
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory W. Adams whose telephone number is (571) 272-8101. The examiner can normally be reached on M-Th, 8:30-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eileen Lillis can be reached on (571) 272-6928. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

GWA



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